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**BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No.

2009-175

EMILY ANNE WHITE,
a.k.a. EMILY WHITE,
a.k.a. EMILY ANNE AICHELE
2080 Promontory Point Lane
Gold River, CA 95670

A C C U S A T I O N

Registered Nurse License No. 584518

Respondent.

Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation and Petition to Revoke Probation solely in her official capacity as the Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.

2. On or about July 31, 2001, the Board issued Registered Nurse License No. 584518 ("license") to Emily Anne White, also known as Emily White and Emily Anne Aichele ("Respondent"). Respondent's license will expire on November 30, 2010, unless renewed.

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4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

STATUTORY PROVISIONS

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . .

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28	///

1 (b) Use any controlled substance as defined in Division 10 (commencing
2 with Section 11000) of the Health and Safety Code, or any dangerous drug or
3 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent
4 or in a manner dangerous or injurious to himself or herself, any other person, or
the public or to the extent that such use impairs his or her ability to conduct with
safety to the public the practice authorized by his or her license.

5 (c) Be convicted of a criminal offense involving the prescription,
6 consumption, or self-administration of any of the substances described in
7 subdivisions (a) and (b) of this section, or the possession of, or falsification of a
record pertaining to, the substances described in subdivision (a) of this section, in
which event the record of the conviction is conclusive evidence thereof. . .

8 8. Code section 2765 states:

9 A plea or verdict of guilty or a conviction following a plea of nolo
10 contendere made to a charge substantially related to the qualifications, functions
11 and duties of a registered nurse is deemed to be a conviction within the meaning
12 of this article. The board may order the license or certificate suspended or revoked,
13 or may decline to issue a license or certificate, when the time for appeal has elapsed,
14 or the judgment of conviction has been affirmed on appeal or when an order
granting probation is made suspending the imposition of sentence, irrespective of
a subsequent order under the provisions of Section 1203.4 of the Penal Code
allowing such person to withdraw his or her plea of guilty and to enter a plea of
not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
information or indictment.

15 COST RECOVERY

16 9. Code section 125.3 provides, in pertinent part, that the Board may request
17 the administrative law judge to direct a licentiate found to have committed a violation or
18 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
19 and enforcement of the case.

20 FIRST CAUSE FOR DISCIPLINE

21 (Criminal Conviction)

22 1. Respondent is subject to disciplinary action pursuant to Code section
23 2761, subdivision (f), in that she was convicted of a crime substantially related to the
24 qualifications, functions, and duties of a registered nurse, as follows: On or about September 22,
25 2006, in the criminal proceeding titled *People v. Emily Anne White* (Super. Ct. Sacramento
26 County, 2006, No. 06T04505), Respondent was convicted by the Court on her plea of nolo
27 contendere to one misdemeanor count in violation of Vehicle Code section 23152, subdivision
28

1 (b) (driving while having a blood alcohol level of 0.08% or higher)¹. The incident upon which
2 the conviction is based occurred on approximately September 20, 2006.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Use of Alcoholic Beverages to an Extent**

5 **or in a Manner Dangerous or Injurious to Others)**

6 2. Respondent is subject to disciplinary action pursuant to Code section
7 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
8 2762, subdivision (b). On or about and between approximately March 4, 2005, and October
9 2006, Respondent used alcoholic beverages to an extent or in a manner dangerous or injurious to
10 herself, others, and the public, as follows:

11 a. On May 26, 2006, Respondent self-reported to the Board that she had
12 reported to her employment at Health South Surgery Center in Sacramento, California, drunk
13 with a blood alcohol level of .054.

14 b. On September 22, 2006, Respondent was convicted of driving while
15 having a blood alcohol level of 0.08% or higher, as further set forth in paragraph 10 above.

16 c. On March 26, 2007, Respondent stated to the Division of Investigation
17 investigator, that she began drinking again after the death of her dog on March 4, 2005, and that
18 by May 26, 2006, things had escalated to the point where she was "out of control" and was
19 "needing to drink to be normal."

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Convictions Related to the Consumption of Alcoholic Beverages)**

22 12. Respondent is subject to disciplinary action pursuant to Code section
23 2761, subdivision (a), on the grounds of unprofessional conduct, as defined by Code section
24 2762, subdivision (c). On or about September 22, 2006, Respondent was convicted of a criminal
25 offense involving the consumption of alcoholic beverages, as set forth in paragraph 10 above.

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27 1. Respondent was also originally charged with one misdemeanor count in violation of Vehicle Code section
28 23152, subdivision (a) (driving while under the influence of alcohol); however, this charge was dismissed in view
of Respondent's plea agreement.

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1 2. Ordering Emily Anne White, also known as Emily White and Emily Anne
2 Aichele, to pay the Board of Registered Nursing the reasonable costs of the investigation and
3 enforcement of this case, pursuant to Business and Professions Code section 125.3; and

4 3. Taking such other and further action as deemed necessary and proper.
5

6 DATED: 2/17/09

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8 
9 RUTH ANN TERRY, M.P.H., R.N.
10 Executive Officer
11 Board of Registered Nursing
12 Department of Consumer Affairs
13 State of California
14 Complainant
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